

ASSEMBLY BILL

No. 192

Introduced by Assembly Member Harman

January 27, 2003

An act to amend Section 56742 of the Government Code, relating to local agency formation.

LEGISLATIVE COUNSEL'S DIGEST

AB 192, as introduced, Harman. Local agency formation: annexations.

Existing law generally prohibits the annexation of territory to a city unless it is in the same county and is contiguous to the city when the annexation is initiated. However, upon approval of the local agency formation commission, a city may annex noncontiguous territory not exceeding 300 acres that is located in the same county, is owned by the city, and is used for municipal purposes when the annexation proceedings are initiated.

This bill would specify that the commission may approve such an annexation if the total amount of noncontiguous territory to be annexed as part of any individual proposal does not exceed 300 acres in area.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 56742 of the Government Code is
2 amended to read:
3 56742. (a) Notwithstanding Section 56741, ~~upon approval of~~
4 ~~the commission a city may annex~~ *may approve an annexation to*

1 *a city of noncontiguous territory not exceeding if the total amount*
2 *of noncontiguous territory to be annexed as part of any individual*
3 *proposal does not exceed 300 acres in area and if the territory*
4 *meets all of the following requirements:*

5 (1) It is located in the same county as that in which the city is
6 situated.

7 (2) It is owned by the city.

8 (3) It is used for municipal purposes at the time commission
9 proceedings are initiated.

10 (b) Territory which is used by a city for the reclamation,
11 disposal, and storage of treated wastewater may be annexed to the
12 city pursuant to this section without limitation as to the size of the
13 territory.

14 (c) If territory is annexed pursuant to this section, the annexing
15 city may not annex any territory not owned by the city, not used
16 for municipal purposes, and not contiguous to the city, although
17 the territory is contiguous to the territory annexed pursuant to this
18 section.

19 (d) Notwithstanding any other provision of this section, a city
20 which annexes territory pursuant to this section may annex
21 additional territory in the same county as that in which the city is
22 situated which is owned by the United States government or the
23 State of California and which is contiguous to the first annexed
24 territory if the total acreage of the first annexed and the
25 subsequently annexed territory together does not exceed 300 acres
26 in area. If after the completion of the subsequent annexation, the
27 city sells any or all of the first annexed territory, the subsequently
28 annexed territory shall cease to be part of the city if the
29 subsequently annexed territory is no longer contiguous to territory
30 owned by the city.

31 (e) When any or all of the territory annexed to a city pursuant
32 to this section is sold by the city, all of the territory that is no longer
33 owned by the city shall cease to be a part of that city.

34 (f) A city may lease territory annexed pursuant to this section
35 for any of the purposes authorized pursuant to Sections 37380 to
36 37396, inclusive, as well as enter into leases for the construction
37 and operation of electrical generation, transmission, and
38 distribution. If, however, a city enters into a lease on and after
39 April 24, 2002, pursuant to Section 37395, 37396, or any other
40 provision of law, that would authorize the development of a

1 shopping center, hotel, motel, or lodging house on territory
2 annexed pursuant to this section, the affected territory shall cease
3 to be a part of the city.

4 (g) When territory ceases to be part of a city pursuant to this
5 section, the legislative body of the city shall adopt a resolution
6 confirming the detachment. The resolution shall describe the
7 detached territory and shall be accompanied by a map indicating
8 the territory. Immediately upon adoption of the resolution, the city
9 clerk shall make any filing required by Chapter 8 (commencing
10 with Section 57200) of Part 4.

11 (h) If territory annexed to a city pursuant to this section
12 becomes contiguous to the city, the limitations imposed by this
13 section shall cease to apply.

